



BAINBRIDGE
BINGHAMTON
CORTLAND
HANCOCK
ITHACA
MONTROSE
OWEGO
WALTON

www.cglawoffices.com

99 Corporate Drive
Binghamton, New York 13904

PO Box 2039
Binghamton, NY 13902-2039
(607) 723-9511
(877) COUGHLIN
Fax: (607) 723-1530
e-mail: acatalano@cglawoffices.com

October 17, 2023

Via: ECF

Magistrate Judge Miroslav Lovric
Northern District of New York
Federal Building and U.S. Courthouse
15 Henry Street
Binghamton, New York 13901

Re: Shara v. Binghamton Precast & Supply Corp. et al., 3:23-cv-135

Dear Judge Lovric:

Please accept this letter and as a joint status report on behalf of the parties in the above captioned matter.

On June 9, 2023, the parties exchanged discovery demands. Plaintiff produced responses to Defendants' discovery demands on July 18, 2023, and Defendants produced responses to Plaintiff's discovery demands on August 1, 2023.

On August 18, 2023, the parties attended a virtual mediation but were unable to reach a settlement.

On August 21, 2023, Plaintiff sent a letter to Defendants' counsel outlining certain alleged deficiencies in Defendants' document production.

On September 11, 2023, Defendants' counsel sent an email to Plaintiff's counsel advising that he had been out of the office for a few weeks due to a family medical issue and had therefore been unable to respond to Plaintiff's deficiency letter.

On October 16, 2023 the parties, through counsel, conferred telephonically as to the deficiency letter. The parties believe they should be able to resolve the alleged deficiencies amicably and without judicial intervention.

Counsel for Plaintiff has also advised Defendants' counsel of Plaintiff's intention to move for conditional certification of a collective based on Plaintiff's Equal Pay Act claims and has requested

Defendants' consent to Plaintiff's anticipated motion. The Defendants have not consented and have requested a review of the proposed conditional certification prior to consenting.

Pursuant to the Uniform Pretrial Scheduling Order (Dkt. No. 11), the deadline to complete fact discovery is November 15, 2023. However, because Defendants have not responded to Plaintiff's deficiency letter, the parties have not scheduled depositions and anticipate that additional time will be needed to complete discovery. Therefore, the parties respectfully request that the fact discovery deadline be extended until January 31, 2024 to allow the parties sufficient time to complete document discovery and depositions.

We thank the Court for its attention to this matter.

Very truly yours,
COUGHLIN & GERHART, LLP

A handwritten signature in blue ink, appearing to read 'Angelo D. Catalano', is written over the printed name.

By Angelo D. Catalano
Partner

cc: Adam Sackowitz, Esq.